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 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

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 18 UNITED STATES OF AMERICA,) No. CR 08-70284 PVT
 19 Plaintiff,)
 20 v.)
 21 KHAN QUOC TIEU,)
 22 Defendant.)
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 24 _____
 25 STIPULATION AND [PROPOSED]
 26 ORDER CONTINUING PRELIMINARY
 27 HEARING/ARRAIGNMENT AND
 28 EXCLUDING TIME FROM RULE 5.1
 29 AND THE SPEEDY TRIAL ACT
 30 CALCULATION (18 U.S.C.
 31 § 3161(h)(8)(A))

32 This matter is scheduled before the Court for preliminary hearing or arraignment on
 33 August 14, 2008. Due the parties' on-going discussions regarding pre-charge negotiation and
 34 discovery in this case, the parties respectfully request that defendant's preliminary hearing or
 35 arraignment be continued until August 14, 2008. The parties agree, and the Court finds and
 36 holds, as follows:

37 1. Defendant's preliminary hearing or arraignment is continued to September 4,
 38 2008.

39 2. Time is excluded under Rule 5.1 from August 14, 2008 and September 4, 2008 in
 40 order to allow defense counsel time to confer with her client and to conduct additional pre-charge

41 STIPULATION AND [PROPOSED] ORDER
 42 CR 08-70284 PVT

1 investigation. The parties agree that the continuance is proper under Rule 5.1 of the Federal
2 Rules of Criminal Procedure and 18 U.S.C. § 3060.

3 2. The time between August 14, 2008 and September 4, 2008 is excluded under the
4 Speedy Trial Act. The parties agree that the failure to grant the requested would unreasonably
5 deny defense counsel reasonable time necessary for effective preparation, taking into account the
6 exercise of due diligence. The parties agree that the ends of justice served by granting the
7 requested continuance outweigh the best interest of the public and the defendant in a speedy trial
8 and in the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A).

9 IT IS SO STIPULATED:

10 DATED: 8/11/08

/s/

ALEX PARK
Attorney for Defendant Tieu

13 DATED: 8/11/08

/s/

JOSEPH A. FAZIOLI
Assistant United States Attorney

15 IT IS SO ORDERED.

16 DATED: _____

RICHARD SEEBORG

UNITED STATES MAGISTRATE JUDGE

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